

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

St. Clair Marine Salvage, Inc.,

Plaintiff,

Case No. 23-10956

v.

Judith E. Levy

United States District Judge

Cass Hawkins, *et al.*,

Mag. Judge Curtis Ivy, Jr.

Defendants.

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**OPINION AND ORDER GRANTING PLAINTIFF’S MOTION FOR  
LEAVE TO FILE AN AMENDED COMPLAINT [49] AND  
GRANTING PLAINTIFF’S MOTION FOR ORDER  
AUTHORIZING ISSUANCE OF WARRANTS FOR ARREST OF  
THE DEFENDANT VESSELS [16]**

Before the Court is Plaintiff’s motion for leave to file an amended complaint (ECF No. 49) and Plaintiff’s motion for order authorizing issuance of warrants for arrest of the Defendant Vessels (ECF No. 16).

**I. Plaintiff’s motion for leave to file an amended complaint**

Under Federal Rule of Civil Procedure 15(a), “[a] party may amend its pleading once as a matter of course within 21 days after serving it” and, “[i]n all other cases, ... [t]he court should freely give leave [to amend] when justice so requires.” “[T]he decision to grant or to deny leave to

amend is ‘left to the sound discretion of the trial judge.’” *Hillman Power Co., LLC v. On-Site Equip. Maint., Inc.*, No. 1:19-cv-11009, 2022 WL 4553066, at \*1 (E.D. Mich. Sept. 29, 2022) (quoting *Klein ex rel. Klein v. Caterpillar Inc.*, 581 F. Supp. 3d 912, 918 (E.D. Mich. 2022)).

The Court finds that it is in the interests of justice to allow Plaintiff to file an amended complaint. Because the only amendment is correcting the verification page, there will be no undue prejudice to the opposing parties. *See Com. Money Ctr., Inc. v. Ill. Union Ins. Co.*, 508 F.3d 327, 346 (6th Cir. 2007) (listing factors that courts may consider for a Rule 15(a)(2) motion).

Accordingly, Plaintiff’s motion for leave to file an amended complaint (ECF No. 49) is granted.

## **II. Plaintiff’s motion for order authorizing issuance of warrants for arrest of the Defendant Vessels**

On January 11, 2024, the Court held a hearing and heard oral argument on this motion. For the reasons set forth on the record, Plaintiff’s motion for order authorizing issuance of warrants for arrest of the Defendant Vessels is granted.

Federal Rule of Civil Procedure Supplemental Rules for Admiralty or Maritime Claims Rule C states that courts “must issue an order

directing the clerk to issue a warrant for the arrest of the vessel” “if the conditions for an in rem action appear to exist.” Fed. R. Civ. P. Suppl.

C(3)(a)(i). An in rem action complaint must:

- (a) be verified;
- (b) describe with reasonable particularity the property that is the subject of the action; and
- (c) state that the property is within the district or will be within the district while the action is pending.

Fed. R. Civ. P. Suppl. C(2). Plaintiff has cured deficiencies in its verified complaint by amending it; thus, all of the requirements specified under Rule C are fulfilled.

Accordingly, Plaintiff’s motion for order authorizing issuance of warrants for arrest of the Defendant Vessels (ECF No. 16) is granted.

### **III. Conclusion**

For the reasons set forth above, the Court GRANTS Plaintiff’s motion for leave to file an amended complaint (ECF No. 49), and GRANTS Plaintiff’s motion for order authorizing issuance of warrants for arrest of the Defendant Vessels. (ECF No. 16.)

IT IS SO ORDERED.

Dated: January 19, 2024  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 19, 2024.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager